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February 23, 2024

VIA ECF and E-MAIL

MEMO ENDORSED

Hon. Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Courtroom 618
New York, N.Y. 10007
E-Mail: Failla_NYSDChambers@nysd.uscourts.gov

Re: **Sanmina Corporation v. Dialight plc: USDC (SDNY) Case no. 1:19-cv-11710**
Dialight plc v. Sanmina Corporation: USDC (SDNY) Case no. 1:19-cv-11712

Dear Judge Failla:

Pursuant to Rule 9 of Your Honor's Individual Rules of Practice in Civil Cases, Sanmina Corporation ("Sanmina") submits this letter in support of its motion for leave to file the following exhibit to the Declaration of Michael C. Lieb in Support of Sanmina's Motions *in Limine* Nos. 1-8 as well as two exhibits to the Declaration of Michael C. Lieb in Support of Sanmina's *Motion in Limine* No. 6, under seal:

- The parties' Manufacturing Services Agreement ("MSA").
- DIA00630522-545 – Dialight's Assessment of Potential Suppliers.
- DIA00686484-485 – June 2018 email exchange between Dialight personnel.

"It is clear that the courts of this country recognize a general right to inspect and copy public records and documents." *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). "It is uncontested, however, that the right to inspect and copy judicial records is not absolute." *Id.* at 598. For example, courts may restrict access to "sources of business information that might harm a litigant's competitive standing." *Id.*

Sanmina and Dialight plc ("Dialight") have designated the exhibits listed above "Confidential" pursuant to the terms of the Protective Order in effect in this action. Under the terms of the

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Protective Order (Paragraph 10), documents produced in discovery designated "Confidential" may not be filed in the public record without consent from the designating party.

Furthermore, the MSA contains information that would be of extreme interest to Sanmina's and Dialight's competitors – including product pricing and terms regarding the parties' contract manufacturing agreement. Additionally, this Court previously determined that the MSA warranted filing under seal [1:19-cv-11710, DKT. 29; 1:19-cv-11712, DKT. 26].

For the foregoing reasons, Sanmina respectfully requests leave to file under seal the exhibits listed above.

Respectfully submitted,



Michael C. Lieb
ERVIN COHEN & JESSUP LLP

Application GRANTED. The Clerk of Court is directed to maintain docket entries 180 and 182 in Case No. 19 Civ. 11710, and docket entries 152 and 154 in Case No. 19 Civ. 11712, under seal, viewable to the Court and the parties only.

The Clerk of Court is directed to file this Order in both cases cited in the caption. The Clerk of Court is further directed to terminate the pending motion at docket entry 176 in Case No. 19 Civ. 11710 and docket entry 148 in Case No. 19 Civ. 11712.

Dated: February 26, 2024
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE